



Agenda Item Number: 2006-2-8A

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: February 14, 2006

DEFERRED FROM THE JANUARY 24, 2006 ADMINISTRATIVE MEETING

Department: County Manager **Staff Contact:** John Dantis, Deputy County Manager, Public Safety

TITLE: Policy, Terms, and Conditions For Hiring Current Metropolitan Detention Center (MDC) City Employees

ACTION: Motion to approve Administrative Resolution AR -2006 regarding offers of employment to current Metropolitan Detention Center (MDC) City Employees.

SUMMARY:

In April 2005 Mayor Martin Chavez gave notice that the City was withdrawing from the Joint Powers Agreement for operation of the Metropolitan Detention Center (MDC). All individuals who operate the jail are City employees who face a layoff or loss of employment as a result of the City's withdrawal from the Joint Powers Agreement. It is the County's desire to employ as many of the individuals who currently work at the MDC as possible. The County also desires to honor the longevity of employment of these employees in a manner that is as close to their current wages, hours, benefits, terms, and conditions of employment as possible.

The proposed Resolution will:

- Set forth the terms and conditions of employment for current MDC City employees who apply for a position at the County run MDC. The Resolution outlines the process for both represented and non-represented individuals; these include: any individual who is properly included within the County's Blue Collar and White Collar bargaining units, any individual who is not currently part of a collective bargaining unit with the City, and any individual who is currently part of a collective bargaining unit with the City for which the County has no similar existing collective bargaining unit.
- Set forth terms and conditions of employment for any individual who applies to the County for a position at the MDC on or before March 3, 2006, and who is extended an offer of employment by the County to work at the MDC, and who is currently employed at the MDC and who has been employed by the City of Albuquerque at the MDC for more than 9 months.
- Recognize and permit AFSCME Local 1888 to function as an "employee association" for the limited purpose of representation with respect to addressing disputes regarding the application of this Resolution, the Employment Relations Rules and Regulations and disciplinary action. Such representation will only apply to the Corrections Officer.
- Address the process for any employee group who wishes to seek designation of an appropriate bargaining unit of employees working at the MDC for purposes of collective

bargaining. With respect to any individual covered by this Resolution, the Resolution outlines terms and conditions that deem this Resolution repealed.

ATTACHMENT:

1. Administrative Resolution AR -2006

FISCAL IMPACT

The current fiscal year shared City and County MDC budget is \$49,316,000.

STAFF ANALYSIS SUMMARY

COUNTY MANAGER

County staff has been working extensively on the MDC transition for the past four months. City staff has cooperated by providing the necessary information to make a smooth transition on July 1, 2006. The proposed resolution is necessary in order to outline the speakers of the transition for both represented and non-represented employees. I recommend Board approval. TL 1/19/06

DEPUTY COUNTY MANAGER FOR PUBLIC SAFETY

The recommended Administrative Resolution is consistent with the directives provided by the Bernalillo County Commission for the transition of City employees working at the MDC to Bernalillo County. It also incorporates the requisite language that is consistent with the Bernalillo County employment Rules and Regulations and Labor Ordinance. I recommend approval. J Dantis 01/10/06

LEGAL

The Administrative Resolution is consistent with applicable law and provides a mechanism to staff the MDC in the event the County is required to undertake operation of the MDC on July 1, 2007. On February 1, 2006, a declaratory judgment action was filed against Mayor Chavez and the City Council contesting the Mayor's purported termination of the Joint Powers Agreement. The case has been assigned to Judge Richard Knowles. Judge Knowles will be asked to determine whether Mayor Chavez had the authority to terminate the Joint Powers Agreement without receive prior approval in the form of a majority vote to terminate by the City Council. JSL 02/2/06

FINANCE

Budget	The current FY06 MDC budget shared equally by the City and the County is \$49,316,000. The FY07 and FY08 biennial budget planning process is underway and the final budget, including the MDC operational requirements, will be presented to the Bernalillo County Commission in May 2006. Teresa Byrd, Budget Director 01/11/06
Purchasing	No comment required. Lisa Sedillo-White, Purchasing Director 01/6/06
Contracts	No comment required. Lisa Sedillo-White, Purchasing Director 01/6/06